

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

MARK J. CONLEY, ET AL.,)	Civ. No. 11-00582 DAE-BMK
)	
Plaintiffs,)	FINDINGS AND
)	RECOMMENDATION TO
vs.)	DISMISS THIS ACTION
)	
BANK OF NEW YORK MELLON)	
CORP., ET AL.,)	
)	
Defendants.)	
_____)	

FINDINGS AND RECOMMENDATION TO DISMISS THIS ACTION

On September 23, 2011, Plaintiffs Mark J. Conley and Susan B. Conley filed this action against various Defendants. The Court finds and recommends that this action be DISMISSED.

On February 7, 2012, District Judge David Alan Ezra dismissed Plaintiff's Complaint without prejudice. (Doc. 16 at 13.) The Court gave Plaintiff leave to file an Amended Complaint "no later than thirty (30) days from the filing of this Order." (Id.) Further, the Court stated: "Failure to [file an Amended Complaint] and to cure the pleading deficiencies may result in dismissal of this action with prejudice." (Id.)

Given that the Order was filed on February 7, 2012, Plaintiffs were allowed to file an Amended Complaint no later than March 8, 2012. However, no

Amended Complaint was filed after the February 7, 2012 Order was issued.

Pursuant to the Court's February 7, 2012 Order, Plaintiff's failure to file an Amended Complaint "may result in dismissal of this action with prejudice."

Accordingly, because Plaintiff has not filed an Amended Complaint since the February 7, 2012 Order, the Court finds and recommends that this action be DISMISSED.

IT IS SO FOUND AND RECOMMENDED.

DATED: Honolulu, Hawaii, May 9, 2012.



/S/ Barry M. Kurren
Barry M. Kurren
United States Magistrate Judge